THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.25717 OF 2006

DATED: 11-12-2006

Between:

Smt Safia Begum

.. Petitioner

and

The Joint Collector, Anantapur, Anantapur District and others

.. Respondents

THE HONOURABLE SRI JUSTICE C.V. RAMULU

W.P.NO.25717 OF 2006

Order:

This writ petition is filed seeking a mandamus declaring the orders passed by the Joint Collector, Anantapur in his proceedings bearing R.C.No.K4/ATP/586/06 dated 09-11-2006 rejecting the stay petition preferred along with the appeal filed against the proceedings of the 2nd respondent in Rc.D1-CS/1545/2006 dated 15-09-2006 as arbitrary and illegal.

It appears the petitioner was the Fair Price Shop Temporary Dealer of Raketla village, Uravakonda Mandal, Anantapur District. While so, her authorization was suspended on 09-03-2006. Aggrieved by the same, she had filed W.P.No.10685 of 2006 and the said order was suspended by an interim order dated 30-05-2006, which was made absolute on 30-06-2006. In the meanwhile, it appears that the petitioner was involved in a fresh case of irregularities. Therefore, her authorization was suspended for the second time by the Revenue Divisional Officer, Anantapur vide proceedings bearing No.Rc.D1-CS/1545/2006 dated 15-09-2006. Aggrieved by the said order, the petitioner has filed a statutory appeal before the 1st respondent and the same is pending. However, the stay petition filed along with the said appeal was dismissed. Therefore, this writ petition is filed.

I am of the opinion that granting of stay is purely a discretionary power vested in the 1st respondent- Joint Collector. In the facts and circumstances of the case and in the overall view of the facts of the case, the Joint Collector has taken a decision not to grant any stay. Thus, no interference can be made by this Court under Article 226 of the Constitution of India into such an order passed by the Joint Collector, Anantapur.

In view of the above, the writ petition is disposed of directing the 1st respondent-Joint Collector, Anantapur to dispose of the appeal filed by the petitioner within a period of four weeks from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of at the stage of admission. No order as to costs.

C.V. RAMULU, J

11-12-2006.

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